

**REMARKS/ARGUMENTS**

Claims 1, 3, and 8-11 are amended by this response. Claims 2 and 12 are canceled. Accordingly, following entry of this response, claims 1 and 3-11 will remain pending.

The Examiner had rejected claims 8-11 as being in improper form for failing to refer to other claims in the alternative only. Claims 8-11 have now been amended so as not to be in multiple dependent claim format, and thus the claim objections have been overcome.

The Examiner had also objected to claim 12 for use of the "-type" suffix. Claim 12 is canceled by the instant response, thereby rendering moot this claim objection.

The Examiner rejected certain of the pending claims under double patenting based upon pending U.S. Patent Application No. 11/012,387, co-pending and commonly assigned herewith. Accordingly, submitted herewith to overcome these double patenting claim rejections is a Terminal Disclaimer over U.S. Patent Application No. 11/012,387.

Claim 2 was rejected on only double patenting grounds. Claim 1 has now been amended to incorporate the elements of claim 2, thereby rendering allowable claim 1, as well as claims 3-6 depending therefrom.

Finally, the Examiner had rejected independent claim 7 as anticipated in view of U.S. Patent No. 6,537,684 to Doerner et al. ("the Doerner Patent"). This claim rejection is traversed as follows.

Claim 7 reads as follows:

7. A recording medium comprising a non-magnetic substrate and a magnetic layer formed thereon with three underlayers interposed between them, said magnetic layer being composed of a plurality of layers of Co-based alloy of hexagonal close-packed structure which are antiferromagnetically coupled to one another through a non-magnetic intermediate layer, said three underlayers including a first one of alloy of B2 structure, a second one of Ta, and a third one of Cr-based alloy of body-centered cubic structure. (Emphasis added)

As a threshold matter, the Examiner is respectfully reminded that claim 7 stands rejected as anticipated, and not merely obvious, in view of the Doerner Patent:

[t]he distinction between rejections based on 35 U.S.C. 102 and those based on 35 U.S.C. 103 should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for

anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. (Emphasis added; MPEP 706.02)

Here, the Doerner Patent fails to explicitly teach the claimed B2 structure material. However, the Examiner asserts that U.S. Patent No. 6,506,508 to Yoshida supports the assertion that the TiAl of the Doerner Patent is in fact a B2 structured material.

Applicants respectfully dispute the Examiner's characterization of AlTi as a B2 structured material. Attached hereto are pages 139-141 of Hansen and Anderko, Constitution of Binary Alloys, McGraw-Hill (1958), a seminal work describing the structure of metal alloys. At page 141, this reference states:

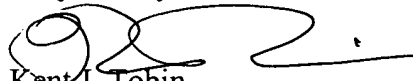
[t]he crystal structure of the  $\gamma$  phase is based on the composition TiAl (36.03 wt. % Al). It is ordered f.c. tetragonal of the CuAu type . . . . (Emphasis added)

This document thus indicates that the AlTi alloy is ordered as a CuAu, structure, rather than a B2 structure. Accordingly, the Doerner Patent does not teach, even implicitly, this claim element.

Because the art relied upon by the Examiner fails to teach each and every element of pending claim 7, it is respectfully asserted that this claim cannot be considered anticipated by the Doerner Patent. Therefore, the pending anticipation rejections of claim 1 have been overcome, and should be withdrawn.

Based upon the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

  
Kent J. Tobin  
Reg. No. 39,496

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400; Fax: 415-576-0300  
KJT:kjt

60941288 v1